

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DISCOVER BANK,

Plaintiff,

v.

Case No. 06-C-1131

LAURA BRENNAN,

Defendant.

DECISION AND ORDER

On October 30, 2006, the plaintiff, Laura Brennan filed a notice of removal of this action which apparently was initially filed in Washington County, Wisconsin, Circuit Court. The defendant filed several documents along with her notice of removal, including her motion for summary judgment, a notice of motion and motion to confirm an arbitration award with supporting documents, and the Arbitration Award dated June 6, 2006. The defendant also filed a petition to proceed for leave to proceed in forma pauperis.

In her notice of removal, the defendant references a complaint filed on or about June 21, 2005, in Washington County Circuit Court which appears to have the same case number as the case the defendant seeks to remove to federal court. However a copy of that complaint is not included with the defendant's removal papers as required.

Title 28 United States Code, § 1446 sets forth the procedure for removal. Rule 1446(a) provides in relevant part:

A defendant . . . desiring to remove any civil action . . . from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of

the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant . . . in such action.

Although referenced by the defendant, she had not filed a copy of the state court complaint along with her notice of removal. Therefore, the court is unable to assess whether removal is proper in this case. See Fed. R. Civ. P. 1441 and 1446. Accordingly, to the extent she has not done so, the defendant will be required to file “a copy of all process, pleadings and orders served upon [the] defendant” in the state court action. Fed. R. Civ. P. 1446(a). Such documents shall be filed with the court on or before December 20, 2006. The court can then determine if removal is proper and also address the defendant’s in forma pauperis application.

ORDER

NOW, THEREFORE, IT IS ORDERED that the on or before **December 20, 2006**, the defendant shall file a copy of all process, pleadings and orders served upon her in the state court action.

Dated at Milwaukee, Wisconsin, this 21st day of November, 2006.

BY THE COURT:

s/Patricia J. Gorence

PATRICIA J. GORENCE

United States Magistrate Judge